

**BEFORE THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD**

IN THE MATTER OF THE)	ORDER
COMPLAINT AGAINST RICK)	
CONSTRUCTION)	OC04-008

On September 3, 2004, the South Dakota Public Utilities Commission received a complaint from Kingbrook Rural Water System, inc., against Rick Trupe Construction alleging violation of SDCL 49-7A-5. Rick Trupe Construction disputed the allegation, stating that Rick Trupe Construction was not the excavator at the identified property. Rick Trupe Construction noted that the excavation was completed by a separate contractor.

On October 20, 2004 the Enforcement Committee of the South Dakota One-Call Notification Board met and determined that probable cause did not exist in Docket OC04-008 in regards to the allegation that Rick Trupe Construction had violated SDCL 49-7A-5. The Enforcement Committee recommended that Docket OC04-008 be dismissed for lack of probable cause.

All interested parties agreed with the recommendations of the Enforcement Committee. By November 4, 2004, all interested parties had signed the Enforcement Committee Action Agreement. It is therefore,

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED that the Complaint in this matter shall be dismissed and the docket in this matter shall be closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Dated at Sioux Falls, South Dakota, this 9th day of November, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: 

Larry Englerth, Executive Director

Date: November 9, 2004

BY ORDER OF THE SD ONE-CALL BOARD:



KEVIN KOUBA, Chairman

Under the Authority and on Behalf of the
Chairman

LARRY ENGLERTH, Executive Director